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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF WASHINGTON**
11 **AT YAKIMA**

12 STATE OF WASHINGTON, STATE OF
13 COLORADO, STATE OF CONNECTICUT,
14 STATE OF ILLINOIS, STATE OF
15 MARYLAND, STATE OF MICHIGAN,
16 STATE OF MINNESOTA, STATE OF
17 NEVADA, STATE OF NEW MEXICO,
18 STATE OF OREGON, STATE OF RHODE
ISLAND, STATE OF VERMONT,
COMMONWEALTH OF VIRGINIA, and
STATE OF WISCONSIN,

19 Plaintiffs,

20 v.

21
22 DONALD J. TRUMP, in his official capacity
as President of the United States of America;
23 UNITED STATES OF AMERICA; LOUIS
24 DEJOY, in his official capacity as Postmaster
General; UNITED STATES POSTAL
25 SERVICE,

26 Defendants.
27

NO. 1:20-cv-03127-SAB

UNOPPOSED MOTION FOR
EXPEDITED CONSIDERATION
AND TO EXCEED PAGE LIMITS
OF DEFENDANTS' MOTION FOR
CLARIFICATION

NOTING DATE: September 24, 2020
Without Oral Argument

Pursuant to Federal Rule of Civil Procedure 6(c)(1)(C) and Local Rules 7(f)(5) and 7(i)(2)(C), Defendants respectfully move this Court to expedite any necessary briefing and the consideration of, and allow the enlargement of the applicable page limits for, Defendants' Motion for Clarification.

I. Motion for Expedited Consideration

Good cause exists for expedited consideration of Defendants' Motion for Clarification. On September 17, 2020, this Court entered a Preliminary Injunction enjoining the Postal Service from taking a number of actions. ECF No. 81. As set forth in Defendants' Motion for Clarification, the Postal Service immediately began taking steps to implement the Court's Injunction, and on Monday, September 21, issued detailed operational guidance regarding how to comply with the Injunction. Defendants now seek clarification of three discrete issues in the Injunction in order to prevent unintended consequences. The normal time requirements for motions under Local Civil Rules 7(i)(2)(A) and 7(i)(2)(C), would jeopardize — if not completely frustrate — the Postal Service's ability to implement the required actions, specifically, those directed at the processing of election mail for the November 2020 election. Defendants therefore request that the Motion for Clarification and any response and reply be submitted for the Court's consideration by October 1, 2020.

II. Motion to Exceed Page Limit

Good cause exists to enlarge the page limit of Defendants' Motion for Clarification. Local Rule 7(f)(2) provides that a non-dispositive motion shall not exceed ten (10) pages. Defendants respectfully request that the Court enlarge the page limit for Defendants' Motion to fifteen (15) pages. This small amount of additional pages is necessary for Defendants, first, to describe to the Court the relevant portions of the Postal Service's Instructions, relative to the corresponding requirements of the Injunction, and second, to explain to the Court at the necessary level of detail which aspects of the Injunction may cause unintended consequences

(some that, assuming they are operationally possible, would frustrate the purpose of the Injunction by delaying mail processing) if not further clarified by the Court.

III. Opposing Party's Position

Counsel for Defendants has conferred with counsel for Plaintiffs, who represent that Plaintiffs do not oppose either Defendants' motion for expedited consideration or the motion to exceed the page limits.

Dated: September 23, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ERIC R. WOMACK
Assistant Director, Federal Programs Branch

/s/ Joseph E. Borson
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CERTIFICATE OF SERVICE

I hereby certify that on this 23d day of September, I electronically filed the foregoing Opposition with the Clerk by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: September 23, 2020

By: /s/ Joseph E. Borson

Joseph E. Borson

Counsel for Defendants